

Claim Rejections35 U.S.C. §112

Claim 1 is rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants respectfully traverse this rejection.

The Office Action states, "The claim is generally narrative and indefinite, failing to conform with current U.S. practice. Lines 10-13 contain grammatical errors." Applicants do not understand this statement because it is not clear what "generally narrative" means with regard to Claim 1. Applicants assert that Claim 1 conforms to current U.S. practice. Applicants request identification of the particular term(s) or limitation(s) that render Claim 1 indefinite and why such term or limitation renders Claim 1 indefinite.

35 U.S.C §103

Claims 1-4, 11-13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernard, U.S. Patent No. 5,497,339, hereafter referred to as Bernard, in view of Nada, U.S. Patent No. 6,704,309, hereafter referred to as Nada. This rejection is moot because the Nada reference was filed on December 21, 1998, which is after the claimed priority date of the present invention, which is October 30, 1998. Applicants assert that the Nada reference

cannot be used as prior art for the present invention. Furthermore, the Office Action is unclear as to whether the Bernard reference is taken in combination with Nada or Sitaraman, U.S. Patent No. 6,466,977, because the Office Action cites Nada but states "as taught by Sitaraman" (page 4 last paragraph).

However, the Sitaraman reference was filed May 6, 1999, which is after the claimed priority date of the present invention, which is October 30, 1998.

Applicants assert that the Sitaraman reference cannot be used as prior art for the present invention.

Claims 5-9 and 14-17 are rejected over Bernard in combination with Sitaraman, and further in view of Kimball. This rejection is moot because the Sitaraman reference was filed May 6, 1999, which is after the claimed priority date of the present invention, which is October 30, 1998.

Claims 10 and 18 are rejected over Bernard-Sitaraman-Kimball in further view of Atkinson, U.S. Patent App. No. 2001/0054180 A1, hereafter referred to as Atkinson. The rejection is moot because the Sitaraman reference was filed May 6, 1999, which is after the claimed priority date of the present invention, which is October 30, 1998. Furthermore, the Atkinson reference was filed on January 8, 2001, which is after the claimed priority date of the present invention, which is October 30, 1998. In fact, the filing date of Atkinson is after the filing

date of the present invention, which was August 14, 2000. Applicants assert that the Atkinson reference cannot be used as prior art for the present invention.

CONCLUSION


In light of the above listed remarks, reconsideration of the Claims is requested. Based on the arguments presented above, it is respectfully submitted that Claims 1-19 overcome the rejections and objections of record and, therefore, allowance of Claims 1-19 is earnestly solicited.

Should the Examiner have a question regarding the instant response, the Applicant invites the Examiner to contact the Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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